IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2691 OF 2006

The Greater Bombay Co-op.Bank Ltd..... Petitioner.

Versus

State of Maharashtra & Anr... ..... Respondents.

Mr. S. A. Pawar for the Petitioner.

Mr. S. R. Nargolkar, AGP for the Respondents.

CORAM : V.G. PALSHIKAR, and V.R.KINGAONKAR, JJ.

DATED : 26TH APRIL, 2006.

P.C.:

By this petition, the Petitioner has challenged the order dated 20th February, 2006 passed under Sections 180 and 181 of the Maharashtra Land Revenue Code attaching certain properties belonging to M/s.Universal Information & Communication Equipments Limited. The Petitioner - The Greater Bombay Co-operative Bank Limited - contends that these properties were mortgaged with the Bank and therefore could not be attached under Section 180.

The order having been passed under Sections 180 and 181 of the Maharashtra Land Revenue Code, the Petitioner has efficacious, adequate and proper remedy by way of appeal provided under the Code itself. The Petitioner, which is the Co-operative Bank, has chosen to ignore the statutory remedy available and seeks intervention of this court instead of the appellate court, which is the competent court to hear and decide the matter. Writ jurisdiction, in our opinion, cannot be assumed in this fashion. Writ Petition is, therefore, dismissed.

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